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EXAMINER

GEBRESILASSIE, KIBROM K

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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 10/015,660
Filing Date: December 17, 2001
Appellant(s): FUJIWARA ET AL.

Hiroyasu Fujiwara
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed May 03, 2007 appealing from the Office action mailed June 22, 2006.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

S. Umeda, and A. Jones, "An Integration Test-Bed System for Supply Chain Management" Proceeding of the 1998 Winter Simulation Conference, Nov 12, 1998, pp. 1377-1385.

6,049,787

Takahashi

4-2000

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claims 1-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shigeki Umeda, and Albert Jones, "An Integration Test-Bed System for Supply Chain Management", Proceeding of the 1998 Winter Simulation Conference, pp. 1377-1385, 11/12/1998, herein referred as Umeda, in view of US Patent No. 6,049,787 issued to Takahashi et al., herein referred as Takahashi.

As per Claim 1:

Umeda discloses a readable-by-computer recording medium recorded with a program read by a computer to manage data (such as...***supply chain management...***; **See: Abstract**) generated by a plurality of organizations on the basis of communication data transferred and received between said organizations (such as...***the communication data interface between the simulation the suppliers companies...***; **See: Abstract**), which executes:

inputting the communication data sent from a first organization to a second organization (such as...***The input data to VSM includes delivery orders from customers (i.e. first organization),....VSM sends the process order to the individual suppliers (i.e. second organization) for production...***; **See: page 1381, lefts side column, under "3.2 Virtual Supplier Manager" paragraph four; Fig. 1 and Fig. 2**);

simulating a first intra-organization procedure executed in said first organization when sending the communication data (such as ...***VSM simulates mainly business-process flow and information flow within the chain companies...***; See: page 1378, right side column, lines 7-14; Fig. 1); and

recording first data generated by the first intra-organization procedure (such as...***input/output data are transferred and published by suppliers data driver...manage their data base system...***; See: page 1384, left side column, lines 8-16),

Umeda discloses input/output data's. However, Umeda fails to disclose a data includes contract term, an article price and article.

Takahashi discloses a data includes at least contract term, an article price, and article (such as...***the purchase form includes an article number, a quantity of articles, a price...***; See: Col. 5 lines 35-38; Fig. 8).

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to combine the teachings of Takahashi et al with Umeda et al because both references are clearly concerned with business management between different companies or firms. The motivation for doing so would have been convenient to add a data includes at least contact term, an article price or article, as taught by Takahashi et al, to the VSM system of Umeda et al to manage information and to supply various sales and purchase information to the respective member sites (See: Takahashi et al, Col. 3 lines 61-67 and continue to Col. 4 lines 1-6).

As per Claim 2:

Umeda discloses a readable-by-computer recording medium recorded with a program read by a computer to manage data (such as...***supply chain management...***; **See: Abstract**) generated by a plurality of organizations on the basis of communication data transferred and received between said organizations (such as...***the communication data interface between the simulation the suppliers companies...***; **See: Abstract**), which executes:

inputting the communication data sent from a first organization to a second organization (such as...***The input data to VSM includes delivery orders from customers (i.e. first organization),...VSM sends the process order to the individual suppliers (i.e. second organization) for production...***; **See: page 1381, lefts side column, under “3.2 Virtual Supplier Manager” paragraph four; Fig. 1 and Fig. 2**);

detecting reply data to the communication data sent to said first organization from said second organization (such as ...***The input data to VSM includes delivery orders from customers (i.e. first organization) and, status information (i.e. reply data) on existing order from suppliers (i.e. second organization)...***; **See: page 1381, lefts side column, under “3.2 Virtual Supplier Manager” paragraph four; Fig. 1 and Fig. 2**);

simulating an intra-organization procedure executed in said second organization when sending the communication data (such as ...***VSM simulates mainly business-process flow and information flow within the chain companies...***; **See: page 1378, right side column, lines 7-14; Fig. 1**); and

recording data generated by the intra-organization procedure (such as...***input/output data are transferred and published by suppliers data driver...manage their database system...***; See: page 1384, left side column, lines 8-16).

Umeda discloses input/output data's. However, Umeda fails to disclose a data includes contract term, an article price and article.

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It would have been obvious to one of ordinary skill in the art at the time of the invention was made to combine the teachings of Takahashi et al with Umeda et al because both references are clearly concerned with business management between different companies or firms. The motivation for doing so would have been convenient to add a data includes at least contact term, an article price or article, as taught by Takahashi et al, to the VSM system of Umeda et al to manage information and to supply various sales and purchase information to the respective member sites (See: Takahashi et al, Col. 3 lines 61-67 and continue to Col. 4 lines 1-6).

As per Claim 3:

Umeda discloses a readable-by-computer recording medium recorded with a program according to claim 1, wherein said computer further executes:

detecting reply data to the communication data sent to said first organization from said second organization (such as ...***The input data to VSM includes delivery***

orders from customers (i.e. first organization) and, status information (i.e. reply data) on existing order from suppliers (i.e. second organization)...; See: page 1381, left side column, under "3.2 Virtual Supplier Manager" paragraph four; Fig. 1 and Fig. 2);

simulating a second intra-organization procedure executed in said second organization when sending the communication data (such as ...**VSM simulates mainly business-process flow and information flow within the chain companies...**; See: page 1378, right side column, lines 7-14; Fig. 1); and

recording second data generated by the second intra-organization procedure (such as...**input/output data are transferred and published by suppliers data driver...manage their database system...**; See: page 1384, left side column, lines 8-16).

As per Claim 4:

Umeda discloses a readable-by-computer recording medium recorded with a program according to claim 3, wherein said computer further executes comparing the first data with the second data, and detects difference data between the organizations (See: page 1381, right side column, lines 30-33).

As per Claim 5:

Umeda discloses a readable-by-computer recording medium recorded with a program according to claim 3, wherein said computer further executes coupling the first data and the second data together, and tracks the procedures executed between the organizations (such as ...**VSM also uses inventory data of input/output parts...**;

See: page 1381, lefts side column, under “3.2 Virtual Supplier Manager” paragraph four).

As per Claim 6:

An organization activity management method of managing data (such as...***supply chain management...***; **See: Abstract**) generated by a plurality of organizations on the basis of communication data transferred and received between said organizations (such as...***the communication data interface between the simulation the suppliers companies...***; **See: Abstract**), said method comprising:

inputting the communication data sent from a first organization to a second organization (such as...***The input data to VSM includes delivery orders from customers (i.e. first organization),....VSM sends the process order to the individual suppliers (i.e. second organization) for production...***; **See: page 1381, lefts side column, under “3.2 Virtual Supplier Manager” paragraph four; Fig. 1 and Fig. 2);**

simulating a first intra-organization procedure executed in said first organization when sending the communication data (such as ...***VSM simulates mainly business-process flow and information flow within the chain companies...***; **See: page 1378, right side column, lines 7-14; Fig. 1); and**

recording first data generated by the first intra-organization procedure (such as...***input/output data are transferred and published by suppliers data***

driver...manage their database system...; See: page 1384, left side column, lines 8-16).

Umeda discloses input/output data's. However, Umeda fails to disclose a data includes contract term, an article price and article.

Takahashi discloses a data includes at least contract term, an article price, and article (such as...***the purchase form includes an article number, a quantity of articles, a price...; See: Col. 5 lines 35-38; Fig. 8).***

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to combine the teachings of Takahashi et al with Umeda et al because both references are clearly concerned with business management between different companies or firms. The motivation for doing so would have been convenient to add a data includes at least contact term, an article price or article, as taught by Takahashi et al, to the VSM system of Umeda et al to manage information and to supply various sales and purchase information to the respective member sites (See: Takahashi et al, Col. 3 lines 61-67 and continue to Col. 4 lines 1-6).

As per Claim 7:

Umeda discloses a organization activity management method of managing data (such as...***supply chain management...; See: Abstract)*** generated by a plurality of organizations on the basis of communication data transferred and received between said organizations (such as...***the communication data interface between the simulation the suppliers companies...;See: Abstract)***, said method comprising:

inputting the communication data sent from a first organization to a second organization (such as... ***The input data to VSM includes delivery orders from customers (i.e. first organization),...VSM sends the process order to the individual suppliers (i.e. second organization) for production...***; See: page 1381, lefts side column, under “3.2 Virtual Supplier Manager” paragraph four; Fig. 1 and Fig. 2);

detecting reply data to the communication data sent to said first organization from said second organization (such as ...***The input data to VSM includes delivery orders from customers (i.e. first organization) and, status information (i.e. reply data) on existing order from suppliers (i.e. second organization)...***; See: page 1381, lefts side column, under “3.2 Virtual Supplier Manager” paragraph four; Fig. 1 and Fig. 2);

simulating an intra-organization procedure executed in said second organization when sending the communication data (such as ...***VSM simulates mainly business-process flow and information flow within the chain companies...***; See: page 1378, right side column, lines 7-14; Fig. 1); and

recording data generated by the intra-organization procedure (such as...***input/output data are transferred and published by suppliers data driver...manage their database system...***; See: page 1384, left side column, lines 8-16).

Umeda discloses input/output data's. However, Umeda fails to disclose a data includes contract term, an article price and article.

Takahashi discloses a data includes at least contract term, an article price, and article (such as...***the purchase form includes an article number, a quantity of articles, a price...***; See: Col. 5 lines 35-38; Fig. 8).

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to combine the teachings of Takahashi et al with Umeda et al because both references are clearly concerned with business management between different companies or firms. The motivation for doing so would have been convenient to add a data includes at least contact term, an article price or article, as taught by Takahashi et al, to the VSM system of Umeda et al to manage information and to supply various sales and purchase information to the respective member sites (See: Takahashi et al, Col. 3 lines 61-67 and continue to Col. 4 lines 1-6).

As per Claim 8:

Umeda discloses a organization activity management method according to claim 6, further comprising:

detecting reply data to the communication data sent to said first organization from said second organization (such as ...***The input data to VSM includes delivery orders from customers (i.e. first organization) and, status information (i.e. reply data) on existing order from suppliers (i.e. second organization)...***; See: page 1381, lefts side column, under “3.2 Virtual Supplier Manager” paragraph four; Fig. 1 and Fig. 2);

simulating a second intra-organization procedure executed in said second organization when sending the communication data (such as ...***VSM simulates mainly***

business-process flow and information flow within the chain companies...; See: page 1378, right side column, lines 7-14; Fig. 1); and

recording second data generated by the second intra-organization procedure (such as...***input/output data are transferred and published by suppliers data driver...manage their database system...; See: page 1384, left side column, lines 8-16).***

As per Claim 9:

Umeda discloses a organization activity management method according to claim 8, further comprising comparing the first data with the second data, wherein difference data between the organizations are detected (**See: page 1381, right side column, lines 30-33).**

As per Claim 10:

An organization activity management method according to claim 8, further comprising coupling the first data and the second data together, wherein the procedures executed between the organizations are tracked (such as ...***VSM also uses inventory data of input/output parts...; See: page 1381, lefts side column, under “3.2 Virtual Supplier Manager” paragraph four).***

As per Claim 11:

Umeda discloses a information processing system managing data (such as...***supply chain management...; See: Abstract)*** generated by a plurality of organizations on the basis of communication data transferred and received between

said organizations (such as...***the communication data interface between the simulation the suppliers companies...***;See: Abstract), said system comprising:

a module inputting the communication data sent from a first organization to a second organization (such as...***The input data to VSM includes delivery orders from customers (i.e. first organization),....VSM sends the process order to the individual suppliers (i.e. second organization) for production...***; See: page 1381, lefts side column, under “3.2 Virtual Supplier Manager” paragraph four; Fig. 1 and Fig. 2);

a module simulating a first intra-organization procedure executed in said first organization when sending the communication data (such as ...***VSM simulates mainly business-process flow and information flow within the chain companies...***; See: page 1378, right side column, lines 7-14; Fig. 1); and

a module recording first data generated by the first intra-organization procedure (such as...***input/output data are transferred and published by suppliers data driver...manage their database system...***; See: page 1384, left side column, lines 8-16).

Umeda discloses input/output data's. However, Umeda fails to disclose a data includes contract term, an article price and article.

Takahashi discloses a data includes at least contract term, an article price, and article (such as...***the purchase form includes an article number, a quantity of articles, a price...***; See: Col. 5 lines 35-38; Fig. 8).

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to combine the teachings of Takahashi et al with Umeda et al because both references are clearly concerned with business management between different companies or firms. The motivation for doing so would have been convenient to add a data includes at least contact term, an article price or article, as taught by Takahashi et al, to the VSM system of Umeda et al to manage information and to supply various sales and purchase information to the respective member sites (See: Takahashi et al, Col. 3 lines 61-67 and continue to Col. 4 lines 1-6).

As per Claim 12:

Umeda discloses a information processing system managing data (such as...***supply chain management...***; See: Abstract) generated by a plurality of organizations on the basis of communication data transferred and received between said organizations (such as...***the communication data interface between the simulation the suppliers companies...***;See: Abstract), said system comprising:

module inputting the communication data sent from a first organization to a second organization (such as...***The input data to VSM includes delivery orders from customers (i.e. first organization),....VSM sends the process order to the individual suppliers (i.e. second organization) for production...***; See: page 1381, lefts side column, under “3.2 Virtual Supplier Manager” paragraph four; Fig. 1 and Fig. 2);

a module detecting reply data to the communication data sent to said first organization from said second organization (such as ...***The input data to VSM***

includes delivery orders from customers (i.e. first organization) and, status information (i.e. reply data) on existing order from suppliers (i.e. second organization)...; See: page 1381, lefts side column, under “3.2 Virtual Supplier Manager” paragraph four; Fig. 1 and Fig. 2);

a module simulating an intra-organization procedure executed in said second organization when sending the communication data (such as ...***VSM simulates mainly business-process flow and information flow within the chain companies...***; See: page 1378, right side column, lines 7-14; Fig. 1); and

a module recording data generated by the intra-organization procedure (such as...***input/output data are transferred and published by suppliers data driver...manage their database system...***; See: page 1384, left side column, lines 8-16).

Umeda discloses input/output data's. However, Umeda fails to disclose a data includes contract term, an article price and article.

Takahashi discloses a data includes at least contract term, an article price, and article (such as...***the purchase form includes an article number, a quantity of articles, a price...***; See: Col. 5 lines 35-38; Fig. 8).

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to combine the teachings of Takahashi et al with Umeda et al because both references are clearly concerned with business management between different companies or firms. The motivation for doing so would have been convenient to add a data includes at least contact term, an article price or article, as taught by

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Takahashi et al, to the VSM system of Umeda et al to manage information and to supply various sales and purchase information to the respective member sites (See: Takahashi et al, Col. 3 lines 61-67 and continue to Col. 4 lines 1-6).

As per Claim 13:

Umeda discloses a information processing system according to claim 11, further comprising:

a module detecting reply data to the communication data sent to said first organization from said second organization (such as ...***The input data to VSM includes delivery orders from customers (i.e. first organization) and, status information (i.e. reply data) on existing order from suppliers (i.e. second organization)...***; See: page 1381, lefts side column, under “3.2 Virtual Supplier Manager” paragraph four; Fig. 1 and Fig. 2);

a module simulating a second intra-organization procedure executed in said second organization when sending the communication data (such as ...***VSM simulates mainly business-process flow and information flow within the chain companies...***; See: page 1378, right side column, lines 7-14; Fig. 1); and

a module recording second data generated by the second intra-organization procedure (such as...***input/output data are transferred and published by suppliers data driver...manage their database system...***; See: page 1384, left side column, lines 8-16).

As per Claim 14:

Umeda discloses a information processing system according to claim 13, further comprising a module comparing the first data with the second data, wherein difference data between the organizations are detected (**See: page 1381, right side column, lines 30-33**).

As per Claim 15:

Umeda discloses a information processing system according to claim 13, further comprising a module coupling the first data and the second data together, wherein the procedures executed between the organizations are tracked (such as *...VSM also uses inventory data of input/output parts...*; **See: page 1381, lefts side column, under "3.2 Virtual Supplier Manager" paragraph four**).

(10) Response to Argument

a. Applicants argued:

a. Umeda does not teach or suggest the "inputting the communication data sent from a first organization to a second organization" as recited in claims 1, 6, and 11.

Further, applicants argued:

According to the above-reproduced portion of Umeda, the VSM functions as a manager over customers and suppliers. VSM sends the process orders to the individual suppliers, and not the delivery orders received from customers to individual suppliers. Therefore, the VSM as described in the indicated portion of Umeda does not teach or suggest the claimed feature, because the data sent from "a first organization" is not input to "a second organization." That is,

Examiner Response

The VSM (Virtual Suppliers Manager) of the prior art of reference (Umeda et al) receives an input data from a customers (i.e. first organization) and sends the data to individual suppliers (i.e. second organization), which reads as follows:

The input data to VSM includes delivery orders from customers, and status information on existing orders from
representing parts construction. On the while, VSM sends the process orders to the individual suppliers for production, transportation, purchase, shipment, and others.

(See: page 1381, lefts side column, under "3.2 Virtual Supplier Manager" paragraph four; Fig. 1 and Fig. 2).

b. Applicants argued:

b. Umeda does not teach or suggest the “simulating a first intra-organization procedure executed in said first organization when sending the communication data” as recited in claims 1, 6, and 11.

Examiner Response

The prior art of reference (Umeda et al) discloses a VSM Simulator, which simulates the input/output of data within chained companies, which reads as follows:

as “VSM” (Virtual Suppliers Manager). VSM is a simulator that simulates business process activities in supply chain management. VSM also owns data entry points from

(See: page 1380, right side column)

The core system of the test-bed is a hierarchical structured simulation system. The top level is a business process simulator so-called “Virtual Suppliers Manager (VSM)”. VSM simulates mainly business-process flow and information flow within chained companies. The middle level is the simulator of individual suppliers such as factory, warehouse, distributors, and transportation among them. The bottom level’s one simulates the activities within each process of the factory.

(See: page 1378, right side column, lines 7-14; Fig. 1).

c. Applicants argued:

c. Umeda does not teach or suggest the “recording first data generated by the first intra-organization procedure.”

Examiner Response

The prior art of reference includes a manageable database system that includes an input/output data, which are transferred and published by supplier data driver, which reads as follows:

The role of "Communication Server" is to provide both real time data transfer and batch data transfer among the companies in the chain. These include the input/output data of the simulation described the previous sections. At the first stage of implementation, we have currently developed the simulation input data interface by using CGI (Common Gateway Interface), and the simulation output data interface by using Java. These input/output data are transferred in real time mode and published by suppliers data driver when it is required. The communication process is the same as many commercial WEB sites using CGI to manage their data base system. The examples of input data include:

(See: page 1384, left side column, lines 8-16).

d. Applicants argued:

d. No motivation to combine Umeda and Takahashi

Examiner Response

In response to Appellant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992).

In this case, the teaching, suggestion, or motivation to do so is found in the reference themselves. The common thread between the references is business management between different companies or firms.

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to combine the teachings of Takahashi et al with Umeda et al because both references are clearly concerned with business management between different companies or firms. The motivation for doing so would have been convenient to add a data includes at least contact term, an article price or article, as taught by Takahashi et al, to the VSM system of Umeda et al to manage information and to supply various sales and purchase information to the respective member sites (See: Takahashi et al, Col. 3 lines 61-67 and continue to Col. 4 lines 1-6).

e. Applicants argued:

a. Umeda does not teach or suggest the "inputting the communication data sent from a first organization to a second organization" as recited in claims 2, 7, and 12.

Further, applicants argued:

According to the above-reproduced portion of Umeda, the VSM functions as a manager over customers and suppliers. VSM sends the process orders to the individual suppliers, and not the delivery orders received from customers to individual suppliers. Therefore, the VSM as described in the indicated portion of Umeda does not teach or suggest the claimed feature, because the data sent from "a first organization" is not input to "a second organization." That is,

Examiner Response

The VSM (Virtual Suppliers Manager) of the prior art of reference (Umeda et al) receives an input data from a customers (i.e. first organization) and sends the data to individual suppliers (i.e. second organization), which reads as follows:

The input data to VSM includes delivery orders from customers, and status information on existing orders from

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representing parts construction. On the while, VSM sends the process orders to the individual suppliers for production, transportation, purchase, shipment, and others.

(See: page 1381, lefts side column, under “3.2 Virtual Supplier Manager” paragraph four; Fig. 1 and Fig. 2).

f. Applicants argued:

c. Umeda does not teach or suggest the “recording first data generated by the first intra-organization procedure.”

Examiner Response

The prior art of reference includes a manageable database system that includes an input/output data, which are transferred and published by supplier data driver, which reads as follows:

The role of “Communication Server” is to provide both real time data transfer and batch data transfer among the companies in the chain. These include the input/output data of the simulation described the previous sections. At the first stage of implementation, we have currently developed the simulation input data interface by using CGI (Common Gateway Interface), and the simulation output data interface by using Java. These input/output data are transferred in real time mode and published by suppliers data driver when it is required. The communication process is the same as many commercial WEB sites using CGI to manage their data base system. The examples of input data include:

(See: page 1384, left side column, lines 8-16).

g. Applicants argued:

d. No motivation to combine Umeda and Takahashi

Examiner Response

In response to Appellant’s argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be

established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992).

In this case, the teaching, suggestion, or motivation to do so is found in the reference themselves. The common thread between the references is business management between different companies or firms.

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to combine the teachings of Takahashi et al with Umeda et al because both references are clearly concerned with business management between different companies or firms. The motivation for doing so would have been convenient to add a data includes at least contact term, an article price or article, as taught by Takahashi et al, to the VSM system of Umeda et al to manage information and to supply various sales and purchase information to the respective member sites (See: Takahashi et al, Col. 3 lines 61-67 and continue to Col. 4 lines 1-6).

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

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For the above reasons, it is believed that the rejections should be sustained.

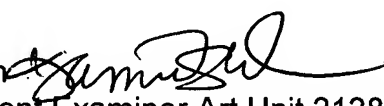
Respectfully submitted,

Kibrom K. Gebresilassie
Patent Examiner Art Unit 2128
(571) 272-8571
May 10, 2007

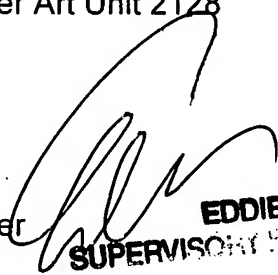


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